THE BOMBAY CITY SURVEY ACT, 1915.

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Mo-1 Bk H 783—75

BOMBAY ACT No. IV OF 1915.[1]

[THE BOMBAY CITY SURVEY ACT, 1915.]

[*7th October 1915.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*Amended by Bom. 17 of 1945.

An Act to provide for a survey of the Town and Island of Bombay.

WHEREAS it is expedient to provide for the survey and demarcation of land in the Town and Island of Bombay; It is hereby enacted as follows :— Preamble.

1. (*1*) This Act shall be called the Bombay City Survey Act, 1915; Short title. and extent.

(*2*) It extends to [2][the City of Bombay].

2. In this Act unless there is anything repugnant in the subject or context,— Interpretation clause.

(*a*) "Survey" includes identification of boundaries and all other operations antecedent to, or connected with, survey; "Survey".

(*b*) "Superintendent" means Superintendent of Survey under this Act; "Superintendent".

(*c*) "Land" includes anything attached to the earth or permanently fastened to anything attached to the earth; "Land".

(*d*) "Holder", in relation to any land, means the occupier of such land, or where rent is paid for such land, any person in receipt of rent for such land who does not pay rent to another person. "Holder".

Explanation.—"Rent" in this clause does not include money paid for land to [3][the Crown] or to the Municipal Corporation of the City of Bombay or to the Trustees for the Improvement of the City of Bombay or to the Trustees of the Port of Bombay or to a fazendar, except when such money is paid by a person holding such land on a tenancy for a term of less than one year.

3. (*1*) The [4][Provincial Government] may, whenever [5][it] thinks fit, order that a survey shall be made of the lands situated in the Town and Island of Bombay, and for such purpose may appoint a Superintendent of Survey and one or more Assistant Superintendents of Survey. Provincial Government may order survey and appoint Superintendent.

(*2*) The Assistant Superintendents shall exercise such powers as may be delegated to them by the Superintendent.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1914, Part VII, page 1058; for Report of Select Committee, *see ibid.*, 1915, Part VII, page 10 and for proceedings in Council, *see ibid.*, 1915, Part VII, pages 170 and 415.

[2] These words were substituted for the original by Bom. 17 of 1945, s. 9, Sch. E read with Bom. 52 of 1947, s. 2, proviso.

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" *ibid.*

[5] The word "it" was substituted for the word "he" *ibid.*

*This Act has been repealed and re-enacted and the amendments made by section 9 and Sch. E of the said Act, have been continued in force by Bom. 52 of 1947, s. 2, proviso.

Superintendent may enter upon land.

4. The Superintendent or any other officer employed in the survey may enter, between the hours of sunrise and sunset, upon any land within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry or of anything done on such land in pursuance of this Act:

Provided that no such entry shall be made unless a notice of the intention to make such entry has been posted at least twenty-four hours previously in some conspicuous manner on the land.

Notice to be served on holders to attend.

5. Before entering on any land for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the holder or occupier of the land about to be surveyed and on the holders or occupiers of conterminous lands, calling upon them to attend either personally or by agent on such land before him or before such officer as may be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice), for the purpose of pointing out boundaries and of affording such information as may be needed for the purposes of this Act, and intimating that in the event of their failing to attend he or such officer will proceed with the survey in their absence.

After service of notices Superintendent may proceed with survey.

6. After due service of notice under section 5, the Superintendent, or such officer as may be autorized by him, may proceed with the survey whether the persons upon whom notices have been served are present or not.

Survey map and register.

7. (*1*) The Superintendent shall prepare a map and a register of all lands which have been surveyed under this Act.

(*2*) To every piece of land separately shown on the map and entered in the register an indicative number shall be assigned, and the name of the person appearing to be the holder thereof at the time of the survey shall be entered in the register.

(*3*) Nothing contained in such map or register shall affect the rights of any person.

Superintendent may erect boundary marks.

8. The Superintendent may at any time cause to be erected, on any land which is to be, or has been, surveyed under this Act, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient for the purpose of the survey:

Provided that no permanent boundary marks shall be erected when the boundary is defined by a permanent building, wall or fence.

Maintenance of temporary boundary marks.

9. (*1*) When any temporary boundary mark has been erected under section 8, the Superintendent may cause a notice in writing under his hand to be served on the holder of the land whereon, or adjoining which, such boundary mark is situate requiring him to maintain such boundary mark till the survey has been completed.

(*2*) Should such holder not comply with such notice, the Superintendent may repair the boundary mark and expenses shall be recoverable from such holder as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876. Bom. II of 1876.

Survey-fee may be charged.

10. (*1*) The holder of any land surveyed under this Act shall be liable to the payment of a survey-fee assessed on the area and rateable value of such land:

Provided that the aggregate amount of the survey-fees assessed under this section shall not be greater than one-half of the total cost of the survey.

(*2*) The amount of the survey-fee payable under sub-section (*1*) shall be regulated by the Collector in accordance with rules made by the [1][Provincial Government] under section 18 :

Provided that—

(*a*) no survey-fee shall be payable by [2][the Crown] or by the Municipal Corporation of the City of Bombay or by the Trustees for the Improvement of the City of Bombay or by the Trustees of the Port of Bombay ;

(*b*) the holder of any land of which the area and rateable value do not exceed such limit as may be prescribed by rule made by the [1][Provincial Government] under section 18 shall be exempt from the payment of any survey-fee in respect of that land ;

(*c*) no survey-fee shall be payable in respect of buildings and lands exclusively occupied for public worship or for charitable purposes which under the City of Bombay Municipal Act, 1888, are exempt from the levy of the general tax.

Bom. III of 1888.

(*3*) Any survey-fee assessed in accordance with sub-sections (*1*) and (*2*) shall be payable within three months from the date of a notice to be served by the Collector upon the person liable therefor after the completion of the survey of the Town and Island of Bombay, and such survey-fee shall be leviable as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876.

Bom. II of 1876.

(*4*) Any person who has paid the survey-fee assessed on any land under this section shall be entitled to receive free of charge a certified extract from the map and a certified extract from the register prepared under section 7, so far as they relate to such land.

All documents connected with the survey to be sent to the Collector.

11. (*1*) After the survey of any part of the town has been completed, the Superintendent shall deposit with the Collector all maps, registers and other documents connected with the survey of such part.

(*2*) Such deposit shall be notified in the [3][*Official Gazette*], and any person interested in the survey may, at any time within two months from the date of such notification, inspect such maps, registers and other documents free of charge.

(*3*) During such period the Collector may, if necessary and without prejudice to the rights of any of the parties concerned, cause the map or the register prepared under section 7 to be corrected free of charge.

Maintenance of survey map and register.

12. (*1*) The map and register prepared under section 7 shall be maintained by the Collector, who shall cause the map to be revised and the entries in the register to be corrected from time to time as may be necessary, without prejudice to the rights of any person :

Provided that no person shall for the purposes of this Act be required to give notice of the acquisition of any interest in land.

(*2*) The Collector may assess the cost of the revision of any part of the map and all contingent expenses on the land to which such part relates, and such cost shall be payable by the holder of such land, subject to the same exemption as is provided in section 10, sub-section (*2*), proviso (*a*), with reference to the payment of survey-fees and shall be leviable as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876.

Bom II of 1876.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown" were substituted for the word "Government", *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Revision of maps.

13. Subject to rules made in this behalf by the [1][Provincial Government] under section 18, any officer acting under the orders of the Collector of Bombay may, for the purpose of revising any map prepared under this Act, exercise any of the powers of a Superintendent under this Act:

Provided that—

How notices may be served.

14. Every notice required by this Act to be served on any person may be served—

(*a*) by delivering the same to such person, or when such person cannot be found, by posting the same on some conspicuous part of the house in which such person usually resides or holds his office or carries on his business, or by delivering the same to an agent or servant of such person, or to a male adult member of his family, and, in the case of a notice served under section 5 or section 9 by fixing a copy in some conspicuous manner on the land to which it relates, or

(*b*) by sending it registered over through the post office containing such notice addressed to such person at the place where he resides.

Privilege of title-deeds.

15. No person shall for the purposes of this Act be compelled to produce his title-deeds to any land or to disclose their contents.

Rules.

16. [*Amendments made by sections 16 and 17 have been incorporated in the Bombay City Land-revenue Act, 1876 (Bom. I of 1876).*]

18. (1) The [1][Provincial Government] may make rules not inconsistent with this Act to carry out the objects and provisions thereof.

(2) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

Proceedings not to be affected by informalities to be set right on application to the Collector.

19. No proceedings under this Act shall be affected by reason of any informality, provided that the provisions of this Act be in substance and effect complied with.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council, 1937.